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EXAMINER

PHAM, TUAN

ART UNIT PAPER NUMBER

2643

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/777,969

Applicant(s)

ELLIOTT, BRIG BARNUM

Examiner

TUAN A PHAM

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-23, 27-35, 60-67, 73-83, and 86-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6-8, 10, 27-30, 32-33, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Okano (U.S. Patent No.: 6,573,825).

**Regarding claims 1 and 27**, Okano teaches a method and program product for operating a user communication device (see figure 1), comprising the steps of:

providing a digital representation of an audible signal in each of a plurality of memory locations of a memory of the user communication device (see figure 2, col.3, ln.50-61);

receiving a call signal at the user communication device (see col.4, ln.1-5);

in response to receiving the call signal at the user communication device,  
selecting one of the plurality of memory locations (see col.4, ln.1-41); and

generating the audible signal represented by the digital representation provided  
in the memory location selected in the selecting step (see col.4, ln.1-41).

**Regarding claim 2**, Okano further teaches a method wherein the user  
communication device comprises at least one of a telephone and a radiotelephone (see  
figure 1, col.3, ln.20-21).

**Regarding claims 3 and 28**, Okano further teaches a method wherein the user  
communication device is coupled to a network having a storage device, and the  
providing step comprises the steps of: receiving, at the user communication device,  
each digital representation from the storage device; and storing each received digital  
representation in a respective one of the memory locations (see col.4, ln.1-41).

**Regarding claims 4 and 29**, Okano further teaches a method wherein the  
providing step comprises the steps of: applying at least one audible signal to an input of  
a user input-interface of the user communication device, and outputting at least one  
corresponding analog signal within the device; in response to the inputting step,  
converting the at least one analog signal to at least one corresponding digital  
representation of that at least one audible signal; and storing the at least one digital  
representation in the memory of the user communication device (see figure 1, input  
device 4, speaker 5, col.4, ln.1-41).

**Regarding claims 6 and 32**, Okano further teaches a method wherein the  
selecting step is performed by randomly selecting one of the pluralities of memory

locations (see col.4, ln.1-41). It is inherently that the alerting sound will be randomly selected associate with telephone number receiving at the user communication device.

**Regarding claims 7 and 33**, Okano further teaches a method further comprising a step of operating an input-user interface of the user communication device to input information into the user communication device specifying that one of the plurality of memory locations be selected, and wherein the selecting step is performed by selecting the memory location specified by the inputted information (see col.4, ln.1-41).

**Regarding claims 8 and 30**, Okano further teaches a method wherein the selecting step is performed based on predetermined information included in the received call signal (see col.4, ln.1-41).

**Regarding claims 10 and 35**, Okano further teaches a method further comprising the steps of: determining at least one acoustic characteristic of at least one of the audible signals, based on at least one digital representation representing that at least one audible signal; comparing the at least one acoustic characteristic determined in the determining step to at least one predetermined acoustic characteristic; and scaling the at least one digital representation based on a result of the comparing step, to normalize the at least one acoustic characteristic of the at least one audible signal (see col.1-41).

3. Claims 73-77, 79-81, 83, and 86-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Armanto et al. (U.S. Patent No.: 6,094,587, hereinafter, "Armanto").

**Regarding claim 73**, Armanto teaches a method for operating a user communication device (see figure 6), comprising the steps of:

operating an interface of the communication device to enter into the device at least one identifier identifying at least one respective calling source from which a call signal may be received (col.3, ln.1-55);

operating the interface to enter into the user communication device at least one signal representing at least one corresponding user-perceptible alerting signal that is to be generated in response to a call being received from the at least one respective calling source (col.3, ln.1-55); and

storing in a memory of the user communication device, the at least one identifier in association with the at least one signal (col.3, ln.1-55).

**Regarding claims 74, 79, 83, and 87**, Armanto further teaches user communication device wherein the output user-interface includes a speaker, and the user-perceptible alerting signal includes an audible signal (see figure 6, speaker 20, col.2, ln.55-67).

**Regarding claim 75**, Armanto further teaches a method comprising a step of normalizing the entered at least one signal in accordance with predetermined criteria (see col.4, ln.20-25).

**Regarding claim 76**, Armanto further teaches a method wherein the at least one identifier comprises at least one of a telephone number, a pager number, an IP address, a domain name, and a public key certificate (see col.2, ln.25-35).

**Regarding claim 77**, Armanto teaches a method for operating a user communication device, comprising the steps of:

at the user communication device, receiving an incoming call signal from a calling source, the call signal including both an identifier, which identifies the calling source, and information representing a user-perceptible alerting signal (see col.3, ln.1-55);

comparing the identifier included in the call signal with a plurality of identifiers stored in a memory of the user communication device to determine whether any of the compared identifiers correspond with one another. It is inherently that the device will compare the telephone number of incoming call with the memory before storing in the memory, if the number is not in the list then it will store in the memory; and

if it is determined that the identifier included in the call signal corresponds to any of the identifiers stored in the memory, generating the user-perceptible alerting signal represented by the information included in the call signal (see col.3, ln.35-68).

**Regarding claim 80**, Armanto teaches a user communication device, comprising (see figure 6):

a memory (see figure 6, memory 14);

an interface (see figure 6); and

a controller coupled to said memory and said interface (see figure 6, controller 6, col.9, ln.18-47), said controller being responsive to receiving from said interface (a) at least one identifier identifying at least one respective calling source from which a call signal may be received (col.3, ln.1-64), and (b) at least one signal representing at least one respective user-perceptible alerting signal that is to be generated in response to a call signal being received from the at least one respective calling source, for storing the entered at least one signal in association with the at least one identifier in said memory (see col.3, ln.1-64).

**Regarding claims 81 and 86,** Armanto teaches a user communication device, comprising (see figure 6):

communication interface means for receiving an incoming call signal from a calling source, the call signal including both an identifier which identifies the calling source and information representing a user-perceptible alerting signal (see col.3, ln.1-64);

output user-interface means (see figure 6, speaker 20);

a storage means storing a plurality of identifiers identifying calling sources from which call signals may be received (see figure 6, memory 14, col.9, ln.18-47); and

control means coupled to said communication interface means (see figure 6, controller 6, col.9, ln.18-47), said output user-interface means (see figure 6, speaker 20), and said storage means (see figure 6, memory 14, col.9, ln.18-47), said control means being responsive to receiving the call signal from said communication interface means for comparing the identifier included in the call signal with the plurality of

identifiers stored in said storage means to determine whether any of the compared identifiers correspond to one another, and, if it is determined that the identifier included in the call signal corresponds to any of the identifiers stored in the storage means, for controlling said output user-interface means to cause that output user-interface means to generate the user-perceptible alerting signal represented by the information included in the call signal. (e.g., It is inherently that the device will compare the telephone number of incoming call with the memory before storing in the memory, if the number is not in the list then it will store in the memory)(see col.3, ln.1-67).

4. Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. (U.S. Patent No.: 6,606,508, hereinafter, "Becker").

**Regarding claim 88**, Becker teaches a method for operating a user communication device (see figure 3), comprising the steps of:

providing a plurality of categories of identifiers in a memory of the user communication device, each identifier identifying a calling source from which a call may be received (see figure 1, figure 3, categories group1-3, memory 12, col.2, ln.15-32);

providing a plurality of digital representations of corresponding user-perceptible alerting signals, in the memory of the user communication device, each digital representation corresponding to a particular one of the categories of identifiers (see col.2, ln.15-32);

receiving a call signal from one of the calling sources, the call signal including an identifier from one of the categories of identifiers (see figure 2, col.2, ln.15-32); and

in response to receiving the call signal, generating the user-perceptible alerting signal represented by the digital representation corresponding to that category of identifiers (see figure 2, col.2, ln.15-32).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 9, 31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okano (U.S. Patent No.: 6,573,825) in view of Matsuda et al. (Pub. No.: U.S. 2001/0014616, hereinafter, "Matsuda").

**Regarding claims 5 and 31**, Okano teaches a method and program product for operating a user communication device (see figure 1), comprising the steps of:

providing a digital representation of an audible signal in each of a plurality of memory locations of a memory of the user communication device (see figure 2, col.3, ln.50-61);

receiving a call signal at the user communication device (see col.4, ln.1-5);

in response to receiving the call signal at the user communication device, selecting one of the plurality of memory locations (see col.4, ln.1-41); and

generating the audible signal represented by the digital representation provided in the memory location selected in the selecting step (see col.4, ln.1-41).

It should be noticed that Okano fails to clearly teach a step of determining at least one of a date and a time at which the call signal is received in the user communication device, and wherein the step of selecting one of the plurality of memory locations is performed based on a result of the determining step. However, Matsuda teaches such features (see col.5, [0051], col.6, [0052]) for a purpose of displaying date or time on communication device.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a step of determining at least one of a date and a time at which the call signal is received in the user communication device, and wherein the step of selecting one of the plurality of memory locations is performed based on a result of the determining step, as taught by Matsuda, into view of Okano in order to let the user know the time the call is come-in.

**Regarding claims 9 and 34**, Matsuda further teaches the generating step is performed by generating the audible signal at predetermined time intervals (see col.5, [0048]).

7. Claims 14-18, 20-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okano (U.S. Patent No.: 6,573,825) in view of Nagasawa (U.S. Patent No.: 6,707,908).

**Regarding claim 14**, Okano teaches a user communication device (see figure1),

comprising:

a memory including a plurality of memory locations, each storing a digital representation of a corresponding audible signal (see figure 2, col.3, ln.50-61);

a communication interface, coupled to an external interface, for receiving a call signal forwarded from a source communication device through the external interface (see figure 1, external interface ANT, col.1, ln.13-27);

an output-user interface having an input, said output-user interface for outputting an audible signal in response to an analog signal being applied to that input (see figure 1, speaker 5, col.3, ln.38-41); and

a controller coupled to said memory, said communication interface, and the input of said converter, said controller being responsive to receiving the call signal from the communication interface for selecting one of the plurality of memory locations, and for applying the digital representation stored in the selected memory location to the input of said converter, to cause said converter to output a corresponding analog signal to the input of said output-user interface, and thereby cause the output-user interface to output the corresponding audible signal (see col.4, ln.1-41).

It should be noticed that Okano fails to clearly teach a converter having an input and an output, the output being coupled to the input of said output-user interface, said converter for converting digital information applied to the input thereof to a corresponding analog signal. However, Nagasawa teaches such features (see figure 1, coding/decoding part 4, col.4, ln.13-24) for a purpose of converting the digital signals to analog signals and analogs signals to digital signals.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a converter having an input and an output, the output being coupled to the input of said output-user interface, said converter for converting digital information applied to the input thereof to a corresponding analog signal, as taught by Nagasawa, into view of Okano in order to convert the transmission data into audio signals.

**Regarding claim 15**, Okano further teaches a user communication device wherein the user communication device comprises at least one of a telephone and a radiotelephone (see figure 1, col.3, ln.20-21).

**Regarding claim 16**, Okano further teaches a user communication device wherein said controller is in communication with at least one communication network through the external interface and said communication interface, the at least one communication network has a storage device for storing each digital representation, and wherein said controller is responsive to receiving each individual digital representation from the storage device of the at least one network for storing that digital representation in said memory (see col.4, ln.1-41).

**Regarding claim 17**, Nagasawa further teaches a user communication device further comprising: an input interface having an input, and also having an output coupled to said controller, said input interface being responsive to each individual audible signal being applied to that input for outputting a corresponding analog signal in said user communication device; and a further converter interposed between an output of said input interface and an input of said controller, said further converter being

responsive to receiving each individual analog signal for producing the corresponding digital representation, and wherein said controller is responsive to each individual produced digital representation for storing the produced digital representation in said memory (see figure 1, coding/decoding part 4, col.4, ln.14-55).

**Regarding claim 18**, Okano further teaches a user communication device wherein said controller selects one of the plurality of memory locations based on predetermined information included in the call signal (see col.4, ln.1-41).

**Regarding claim 20**, Okano further teaches a user communication device wherein said controller selects one of the pluralities of memory locations at random (see col.4, ln.1-41). It is obvious that the alerting sound will be randomly selected associate with telephone number receiving at the user communication device.

**Regarding claim 21**, Okano further teaches a user communication device wherein said user communication device further comprises an input user interface for inputting, into said controller, information specifying that one of the plurality of memory locations be selected, and said controller is responsive to the call signal being received for selecting the memory location specified by the information inputted through said input user interface (see col.4, ln.1-41).

**Regarding claim 23**, Okano further teaches a user communication device wherein said controller is operable for (a) determining at least one acoustic characteristic of at least one of the audible signals, based on the corresponding digital representation provided in said memory, (b) comparing the at least one acoustic characteristic to at least one predetermined acoustic characteristic, and (c) scaling the

corresponding digital representation based on a result of the comparison, to normalize the at least one acoustic characteristic (see col.4, ln.1-41).

8. Claims 60-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okano (U.S. Patent No.: 6,573,825) in view of Armanto et al. (U.S. Patent No.: 6,094,587, hereinafter "Armanto").

**Regarding claim 60**, Okano teaches a second user communication device (see figure 1) comprising a memory (see figure 1, memory 3), a second communication interface coupled to the external interface (figure 1, ANT), and an audible signal generator portion coupled to the memory and the second communication interface (see figure 1, control unit 1), wherein the memory has a plurality of memory locations, each of which stores a digital representation of a corresponding audible signal (see figure 2, col.1, ln.49-65), and the audible signal generator portion is responsive to the call signal being received from the first user communication device through the second communication interface for selecting one of the memory locations and for generating the audible signal represented by the digital representation stored in the selected memory location (see col.4, ln.1-41).

It should be noticed that Okano fails to clearly teach a communication system, comprising: a first user communication device comprising a first communication interface coupled to an external interface, and a controller coupled to the first communication interface, the controller being operable for forwarding a call signal through the first communication interface. However, Armanto teaches such features

(see figure 6, controller 6, col.5, ln.24-32, col.9, ln.18-48) for a purpose of first user can communicate with second user.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a first user communication device comprising a first communication interface coupled to an external interface, and a controller coupled to the first communication interface, the controller being operable for forwarding a call signal through the first communication interface, as taught by Armanto, into view of Okano in order to conveniently store data into the memory of communication device.

**Regarding claim 61**, Armanto further teaches a communication system wherein each of the first and second user communication devices comprise one of a telephone, a radiotelephone, and an information appliance (see figure 1, MS1, MS2).

**Regarding claim 62**, Okano further teaches a communication system wherein the audible signal generator portion selects one of the memory locations based on predetermined information included in the received call signal (see col.4, ln.1-41).

**Regarding claim 63**, Okano further teaches a communication system wherein the audible signal generator portion is responsive to the call signal being received for determining at least one of a date and a time at which the call signal is received, and selects one of the plurality of memory locations based on a result of that determination (see col.4, ln.1-41).

**Regarding claim 64**, Okano further teaches a communication system wherein the audible signal generator portion randomly selects one of the pluralities of memory

locations (see col.4, ln.1-41). It is obvious that the alerting sound will be randomly selected associate with telephone number receiving at the user communication device.

**Regarding claim 65**, Okano further teaches a communication system wherein said second user communication device further comprises an input-user interface coupled to the audible signal generator portion, for inputting information into that device specifying that one of the plurality of memory locations be selected, and wherein the audible signal generator portion is responsive to the call signal being received for selecting the memory location specified by that inputted information (see col.4, ln.1-41).

**Regarding claim 66**, Armanto further teaches a communication system wherein the communication system also comprises at least one communication network coupled to the first and second user communication devices through the respective first and second communication interfaces, said at least one communication network comprises a message station and a storage device storing the digital representations of the audible signals, wherein at least one of the controller of said first user communication device and the audible signal generator portion of said second user communication device is operable for communicating a download request to the at least one network, and wherein the message station is responsive to receiving the download request for providing the digital representations from the storage device to the second communication interface of the second user communication device, and wherein the audible signal generator portion of said second user communication device is responsive to receiving the digital representations from the second communication

interface for storing the digital representations in respective ones of the memory locations in the memory (see figure 2, SM-SC, col.6, ln.11-27, col.9, ln.18-48).

**Regarding claim 67**, Armanto further teaches a communication system wherein the at least one of the controller and the audible signal generator portion communicates the download request a plurality of times at respective predetermined time intervals (see col.6, ln.11-27).

9. Claims 78 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armanto et al. (U.S. Patent No.: 6,094,587, hereinafter "Armanto") in view of Becker et al. (U.S. Patent No.: 6,606,508, hereinafter, "Becker").

**Regarding claims 78 and 82**, Armanto teaches a user communication device, comprising (see figure 6):

communication interface means for receiving an incoming call signal from a calling source, the call signal including both an identifier which identifies the calling source and information representing a user-perceptible alerting signal (see col.3, ln.1-64);

output user-interface means (see figure 6, speaker 20);

a storage means storing a plurality of identifiers identifying calling sources from which call signals may be received (see figure 6, memory 14, col.9, ln.18-47); and

control means coupled to said communication interface means (see figure 6, controller 6, col.9, ln.18-47), said output user-interface means (see figure 6, speaker 20), and said storage means (see figure 6, memory 14, col.9, ln.18-47), said control

means being responsive to receiving the call signal from said communication interface  
means for comparing the identifier included in the call signal with the plurality of  
identifiers stored in said storage means to determine whether any of the compared  
identifiers correspond to one another, and, if it is determined that the identifier included  
in the call signal corresponds to any of the identifiers stored in the storage means, for  
controlling said output user-interface means to cause that output user-interface means  
to generate the user-perceptible alerting signal represented by the information included  
in the call signal. (e.g., It is inherently that the device will compare the telephone  
number of incoming call with the memory before storing in the memory, if the number is  
not in the list then it will store in the memory)(see col.3, ln.1-67).

It should be noticed that Armanto fails to clearly teaches a user communication  
device wherein said controller is responsive to determining that the identifier included in  
the received call signal does not correspond to any of the identifiers stored in the  
memory, for controlling said output user-interface to cause that output interface to  
generate a different user-perceptible alerting signal. However, Becker teaches such  
features (see figure 2, standard ringing tone 10, col.2, ln.21-31) for a purpose of alerting  
a different ring tone to the different group.

Therefore, It would have been obvious to one of ordinary skill in the art at the  
time the invention was made to incorporate the use of a user communication device  
wherein said controller is responsive to determining that the identifier included in the  
received call signal does not correspond to any of the identifiers stored in the memory,  
for controlling said output user-interface to cause that output interface to generate a

different user-perceptible alerting signal, as taught by Becker, into view of Armanto in order to notify the called party who is calling.

10. Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okano (U.S. Patent No.: 6,573,825) in view of Nagasawa (U.S. Patent No.: 6,707,908) as applied to claim 14 above, and further in view of Matsuda et al. (Pub. No.: U.S. 2001/0014616, hereinafter, "Matsuda").

**Regarding claim 19**, Okano and Nagasawa, in combination, fails to clearly teach a user communication device wherein said controller is responsive to the call signal being received for determining at least one of a date and a time at which the call signal is received in the user communication device, and selects one of the plurality of memory locations based on the determined at least one of the date and time. However, Matsuda teaches such features (see col.5, [0051], col.6, [0052]) for a purpose of displaying date or time on communication device.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a user communication device wherein said controller is responsive to the call signal being received for determining at least one of a date and a time at which the call signal is received in the user communication device, and selects one of the plurality of memory locations based on the determined at least one of the date and time, as taught by Matsuda, into view of Okano and Nagasawa in order to let the user know the time the call is come-in.

**Regarding claim 22**, Matsuda further teaches a user communication device wherein said controller applies the retrieved digital representation to the input of said converter at predetermined time intervals, to cause the audible signal to be output at those predetermined time intervals (see col.5, [0048]).

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Valentine et al. (U.S. Patent No. 6,018,654), Lin et al. (U.S. Patent No. 6,366,791), Yamashita (U.S. Patent No. 6,070,053), and Birze (U.S. Patent No. 5,926,537) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s). These references are also concerned for supporting the system and method for generating a distinctive ring tone for a calling party subscriber within a telecommunications network.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

Art Unit: 2643

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June 29, 2004  
Examiner

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